

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

DATE: August 16, 2006

CALLED TO ORDER: 5:45 p.m.

ADJOURNED: 10:13 p.m.

ATTENDANCE

Attending Members

Mary Moriarty Adams, Chair
Greg Bowes
Vernon Brown
Sherron Franklin
Lynn McWhirter
William Oliver
Lincoln Plowman
Scott Schneider

Absent Members

BUDGET HEARING

Marion County Superior Courts
Marion County Justice Agency
Circuit Court
Marion County Prosecutor and Child Support Division
(Break -10 minutes)
Marion County Clerk
Community Corrections
County Coroner

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

The Public Safety and Criminal Justice Committee of the City-County Council met on Wednesday, August 16, 2006. Chair Mary Moriarty Adams called the meeting to order at 5:40 p.m., with the following members present: Greg Bowes, Vernon Brown, Sherron Franklin, Lynn McWhirter, William Oliver, Lincoln Plowman, and Scott Schneider.

BUDGET HEARING

Marion County Superior Courts

Judge Cale Bradford began the Superior Courts' budget presentation followed by Judge Robyn Moberly and Judge Jane Magnus-Stinson (Exhibit A, on file in the Council office). Some highlights are as follows:

- Three state paid elected judges will be added to the Marion County Superior Courts January 1, 2007 and one elected judge and four state paid magistrates will be added in January 1, 2009.
- Revenues have increased through increased costs for traffic tickets totaling \$1.7 million. In addition, efforts have increased in recovering unpaid traffic tickets by turning them over to collection agencies.
- Some cost containment measures were: reducing the number of juveniles that are sent to the Department of Corrections (DOC), consolidating administrative services and juvenile probation services at the juvenile court, changing the copier contract, decreasing office supplies and managing postal use.
- Reduced the cost of juvenile incarcerations paid to the DOC from \$15 million last year to \$5 million this year.
- Truancy court has evolved into a family truancy court, where truancy is being treated as a symptom of a larger problem.
- All children coming into juvenile detention are psychologically screened.
- For the first time the juvenile detention center is fully staffed, which will provide better safety for detainees and staff.
- Future needs for the juvenile center are: proper wiring for the installation of video cameras, sound detection, and watch tour systems, costing \$1.5 million.
- A Family Law court project was initiated in 2002 with an \$80,000 grant from the Indiana Supreme Court and no additional personnel is needed for Family Law court.

- To make an impact in Marion County, the Family court needs to expand to provide more services to families. The expanded Family Law court would handle domestic violence; two courts would handle domestic relationships and termination of parental rights cases.
- To provide for additional family law needs the superior court needs more physical space costing \$300,000 to refurbish. Full staff is already available.
- The superior courts are working on prevention alternatives for substance abuse, lack of education, and lack of positive role models.
- Drug Treatment court is in need of \$150,000 additional funds (due to the loss of a grant) to increase the courts capacity by 25%.
- To add additional weekend community work service crews, an investment of \$146,979 is needed for a projected 40% increase in total work hours.
- The court system is in need of a new major felony court (drug/gun court docket), a new D felony court to move cases through faster, and to increase drug treatment and re-entry capacity.
- There is a seven day turnaround for Pre-Sentenced Inmates (PSIs) that will save \$905,625 in jail expense, offsetting \$225,770 that is needed to provide the service.
- Full integration of the JUSTIS and JIMS software will result in better case identification, reporting, and tracking, and will be an additional cost of \$500,000.

Councillor Oliver asked how they can project revenue from traffic tickets if they are not using a quota system. Judge Bradford said they do not have quotas for traffic tickets and they have no projections for 2007.

Councillor Franklin asked if the additional funds requested in the presentation are separate from the executive court order. Judge Bradford replied in the negative and said the additional funds would be used for long-term strategies in reducing crime. Councillor Franklin asked if the Controller was aware of the additional \$150,000 for the drug court. Robert Clifford, City Controller, replied in the negative. Judge Magnus-Stinson said she was unaware of the drug court problems until the day of the committee meeting.

Councillor McWhirter asked what the total fund request is over their introduced budget and where the additional revenue is held. Sue Patterson, Director of Finance for the Court Services Agency, said \$7.3 million is the amount of the request over their introduced budget and additional revenue goes to the General Fund. Councillor McWhirter asked if the money is generated back to the courts. Mr. Clifford said money has to be appropriated by the Council. Councillor McWhirter asked whose responsibility

is it to change how the city and county's budgets are structured. Mr. Clifford said he would need to do additional research with Corporation Counsel before he could answer that question.

Bart Brown, Chief Financial Officer for the Council, asked if some of the agencies have other funds from which revenue is collected and used. Mr. Clifford said the county has more special funds than the city; however, the county special funds are restricted on how the money can be spent.

Councillor Plowman asked if a new facility would be better than asking for increases every year. Judge Magnus-Stinson said the next step would be studying the design of the building and studying how everything can be brought together to create efficiency.

Marion County Justice Agency (MCJA)

Diana Burleson, Director of MCJA, presented the MCJA's budget (Exhibit B, on file in the Council office). Some highlights are as follows:

- Transcriptionist unit assists in moving cases through the criminal justice system quicker, which results in shorter length of jail stay.
- Criminal Justice and Juvenile Technology Team works with different agencies on how their technology affects each other and whether they could be combined together to have a more efficient system.
- Drug Free Marion County funds are generated out of court fees, and when grants are awarded they look at prevention, treatment, and criminal justice.
- The Juvenile Detention Advisory Board was newly developed to improve conditions in detention facilities and to bring fresh insight on how to improve the system.
- Shifts were made in Characters 2, 3, and 4 to Character 1 to compensate for the three positions that are no longer funded by grants.
- The MCJA's budget has increased by 9.1% from last year's budget.

Councillor Franklin stated that the county needs to start using the faith-based resources more often because they are available and do not cost any money in order to provide additional resources to the community.

Councillor Plowman asked if additional officers are needed under the Warrants Unit. Ms. Burleson replied in the affirmative and said the additional officers were under the court mandate. Councillor Plowman asked what the plan is for additional officers. Ms. Burleson said they would like to develop a night shift with the additional officers.

Councillor Schneider asked about the Metro Drug Task Force future. Ms. Burleson stated that she was unsure of the task force future. She said that is more of a policy decision made by the warden.

Chair Moriarty Adams asked if the task force is completely funded by the grant money. Mr. Burleson replied in the negative and said they have other sources of funding and for the most part are self-sufficient.

Councillor McWhirter asked if revenue and expenditures in budgets should match. Jeff Seidenstein, Budget Manager, said occasionally there will be differences between revenues and expenditures due to drawing down the fund balance.

Circuit Court

Judge Theodore Sosin read verbatim the 2007 budget presentation (Exhibit C, attached) and introduced Alicia Gooden and Sheryl Lynch, Commissioners for Paternity Court, to speak on the connection between paternity court and the public safety problems.

Councillor McWhirter asked if the two additional bailiffs are included in the Circuit Court's budget. Mr. Clifford said everything that Judge Sosin has requested in his budget presentation is in his budget, except for the request of additional court space.

Councillor Oliver asked for clarification on the salary adjustments for county commissioners and bailiffs. Mr. Clifford said last year they did not have the money to give increases to Circuit Court staff. He said as they try to put the city and county on one human resource scale they felt it was important to move the circuit courts up to the same level as the superior courts.

Councillor Brown asked if everything the circuit court needs to run efficiently is in the presented budget. Judge Sosin said they would need another commissioner if granted the third court room.

Councillor Franklin stated that everyone that comes through the court asking for child support needs to be looked at because the taxpayers usually support the bills. Judge Sosin said there is a guideline in ordering child support and the mother's needs and the father's ability to pay is taken into account.

Commissioner Gooden explained how the paternity division is connected with public safety (Exhibit D, attached). She said the paternity division experiences arguments and domestic abuse everyday of the week, which are the top reasons for homicides. She said some of the reasons for the rise in crime are due to lack of parental involvement, bad parenting, poverty, etc., which are all things they are trying to address in the paternity division. Commissioner Gooden said they are seeing an increase in children born out of wedlock and experience the highest caseloads and the most highly emotional litigants in the

system. She went on to explain how the division is working on changing the community. She said they assist litigants in becoming better parents, in making decisions in the best interest of the children, order parenting time plans to keep both parents involved, etc. Commissioner Gooden stated that the problem within the division is that their caseloads are out of control and they cannot devote sufficient time to parents and children who need the help. She said they are desperately in need of more court space to hold files and to provide better service to resolve some of the critical problems facing our community.

Commissioner Lynch said she handles cases that the Prosecutor's Office cannot handle because they can only deal with child support issues. She said she acts on all related issues such as a protective order and custody or visitation. Commissioner Lynch stated that she picks up additional dockets during lunch to allow people to come in and discuss visitations. She said the reason they need another commissioner and court room is to educate the people coming into the system to prevent public safety issues from occurring.

Councillor Oliver asked if someone can be incarcerated for non-payment of child support due to not having a job. Commissioner Lynch replied in the affirmative and said it is difficult to make that decision; however, the law states if someone does not pay their child support they can be incarcerated. She said they also give purge-bonds, which allow the bond that is paid to go to the child support account and then the person is released from jail when fully paid.

Councillor McWhirter asked how someone who is working can get away with not paying child support. Commissioner Lynch said not everyone earns income where taxes are being taken out. She said a majority of the people that are before the court are contractors, self-employed or being paid under the table. She also stated that sometimes it takes a while before the court knows that someone is working.

Councillor Brown asked if evening or Saturday dockets have been taken into account. Commissioner Gooden replied in the affirmative and said it may be difficult for some commissioners to provide the extra hours needed.

Marion County Prosecutor and Child Support Division

John Owens, Chief Deputy of the Prosecutor's office, Child Support Division, said the proposed 2007 child support division budget is similar to the 2006 budget. He said the only two items that differ are in Character 1 with an increase to raise the salaries of their paralegals and in Character 3 with an increase for Information Service Agency (ISA) charges.

Councillor Bowes asked what the Prosecutor's role is in collecting child support from the workforce. Deputy Owens said the information is gathered by the Department of Workforce Development, and information on those who should be paying child support and are working is taken off a database weekly. He said a majority of their cases are those

who do everything they can to not pay child support and those who pay when it is convenient for them.

Lisa Bentley, Chief of Operations for the Prosecutor's Office, said they have one concern with their budget, which are the three new courts that are expected in 2007. She said they have a million dollars less in salaries than what they requested to fund those courts. She said she understands that things have not been finalized, but wanted to make the committee aware that they may have a problem providing prosecutors.

Mr. Clifford said their reduction of million dollars was already done before the budget was introduced with the intentions of the new courts expenses. He said they plan to take the Prosecutor's budget along with others to the Criminal Justice Planning Council (CJPC) for review.

Ms. Bentley said that she has \$1.7 million of salaries funded with grant money that is not in the budget. She said those county employees that are funded by grants will need to be addressed when pay increases are discussed.

Chair Moriarty Adams asked if all staff paid by grants are fully funded. Ms. Bentley said some are half paid by grants; others are fully paid by grants. Chair Moriarty Adams asked from where the grant funding comes. Ms. Bentley said the grants are from the Criminal Justice Institute (ICJI). Chair Moriarty Adams asked what the total amount would be from the proposed three percent pay increase. Ms. Bentley said approximately \$65,000, including PERF.

Marion County Clerk

Doris Ann Sadler, County Clerk, gave some highlights from her proposed budget (Exhibit D, attached) and said her office has a contract with a debt collection service to recover child support docket fees at no charge to the county. She said in a two week time span the agency has collected \$137,000 in fees. Ms. Sadler stated that her turnover rate has dropped due to the increase in salaries her office received last year. She said possible problems in her proposed budget are with postage and operating at the lowest functional cost. She also stated they will need to hire four clerks for night court per the executive court order and still have not hired three clerks for the new courts.

Chair Moriarty Adams asked if the money for additional clerks is in the proposed budget. Ms. Sadler replied in the negative.

Community Corrections

Brian Barton, Executive Director of Community Corrections, presented the Community Corrections' budget (Exhibit E, on file in the Council office). Some highlights are as follows:

- Community Corrections receives a variety of funding streams totaling over \$9.5 million in 2006 – 2007.
- The agency's clients contribute to paying taxes, child support, and community service.
- Majority of their clients come from the Public Defender's Office.
- Community Corrections is looking forward to the new Work Release Center, which will have 350 beds.
- Due to jail overcrowding there has been a spike in the Home Detention Program. The agency is working on real consequences when offenders violate the program.
- For the first time in nine years the agency is bringing in less revenue in Home Detention, due to the clientele and staff doing a poor job of collecting fees.
- Over the last four years the agency has made some improvements costing \$255,409.00.
- Community Corrections is important, because over three thousand people come through the center every year. Without the center, space would need to be found for these people.
- The two requests from the executive court order given will not require additional money for the agency.
- The only major increase in their budget is the ISA charge.

Councillor McWhirter asked if Community Corrections will be asking for the three percent raise in employees' salary. Mr. Barton replied in the affirmative and said a lot of their employees are grant paid; therefore, they will be speaking with the Controller to find some fairness with salary increases.

Councillor Oliver asked if the Community Corrections clients are still under the court's rule. Mr. Barton replied in the affirmative and said the clients are awaiting trial and can be in the community because they pose no threat. Councillor Oliver asked if charges are filed when a client violates the program. Mr. Barton replied in the affirmative.

County Coroner

Dr. Kenneth Ackles, County Coroner and Alfarena Ballew, Chief Deputy Coroner, presented the Marion County Coroner's Office budget (Exhibit F, on file in the Council office). Some highlights are as follows:

- For 12 years Indiana University (IU) had given financial support to the Coroner's Office and in August 2005 the contract was terminated. As a result the Coroner's Office had to absorb all the costs associated with death investigations.
- IU paid out \$300,000 to fund the Coroner's Office death investigations, not including salaries.
- The office investigates about 1,500 deaths per year and conducts autopsies on 850 cases at a cost of \$1,500 - \$2,500 each.
- Staff had to be added to replace the IU staff and the cost was not estimated.
- To assist in bringing revenues to the General Fund the Coroner's Office has a partnership with the Marion County Health Department to do natural death investigations.
- Significant increases can be found in all Characters of the budget to supplement their office.
- The office is looking into billing surrounding counties that use the county's facility to perform their autopsies.

Councillor Brown asked why the contract was terminated with IU. Dr. Ackles said he is unsure why, but when he first took office they wanted him to sign a contract in 30 days and when he went to sign, IU was no longer interested. Ms. Ballew stated that IU could no longer supplement their office financially.

Councillor Franklin asked if the Coroner's office replied to the contract within the time frame. Dr. Ackles replied in the affirmative. Councillor Franklin asked if anyone has tried to resolve the issue with IU. Mr. Clifford said they did contact IU; however, IU had not received an increase in funding for the services they were providing. They were losing money and no longer wanted to continue the contract.

Councillor Oliver asked if the Coroner's Office performs any contract services outside Marion County. Mr. Ballew replied in the negative and said that is something they are looking into in order to create additional revenues.

Councillor Brown asked for clarification on Character 2 within their budget. Ms. Ballew said they still have outstanding figures due to their request of additional funding in June. Mr. Seidenstein said they did receive a fiscal ordinance to supplement their budget and it was appropriated at the end of June 2006.

Chair Moriarty Adams asked if the Coroner's budget is affected by the executive court order. Mr. Clifford replied in the negative.

CONCLUSION

With no further business pending, and upon motion duly made, the Public Safety and Criminal Justice Committee of the City-County Council was adjourned at 10:13 p.m.

Respectfully submitted,

Mary Moriarty Adams, Chair
Public Safety and Criminal Justice Committee

MMA/as